

ESTTA Tracking number: **ESTTA531067**Filing date: **04/08/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Nettadoz Enterprises		
Entity	Corporation	Citizenship	Nigeria
Address	139 Nnebisi Road Asaba, NIGERIA		

Attorney information	Christopher J. Falkowski Falkowski PLLC 50064 Drakes Bay Drive Novi, MI 48374 UNITED STATES chris@falkowskipllc.com Phone:248-893-4505
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Registration Subject to Cancellation

Registration No	3410949	Registration date	04/08/2008
Registrant	Cintron Beverage Group, LLC 7400 Brewster Avenue Philadelphia, PA 19153 UNITED STATES		

Goods/Services Subject to Cancellation

Class 032. First Use: 2006/08/01 First Use In Commerce: 2006/08/01
All goods and services in the class are cancelled, namely: Energy drinks; Sports drinks

Grounds for Cancellation

Deceptiveness	Trademark Act section 2(a)
Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act section 2(c)
Abandonment	Trademark Act section 14
The mark is deceptively misdescriptive	Trademark Act section 2(e)(1)
The mark is primarily merely a surname	Trademark Act section 2(e)(4)
Related Proceedings	Pending Oppositions for CINTRON (word) and CINTRON (stylized design)

Attachments	PETITION.pdf (4 pages)(165648 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Christopher J. Falkowski/
Name	Christopher J. Falkowski
Date	04/08/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Nettadoz Enterprises)	Cancellation Number: _____
Petitioner)	Mark: CINTRON 21 (word)
v.)	Registration #: 3,410,949
Cintron Beverage Group, LLC)	Registration Date: April 8, 2008
Registrant)	Interlocutory Attorney: _____
)	

PETITION FOR CANCELLATION

Nettadoz Enterprises ("Nettadoz" or "Petitioner"), a Nigerian corporation with offices at 139 Nnebisi road, in Asaba of Delta State Nigeria. Petitioner believes that it will be damaged by the continued registration of the mark disclosed in trademark registration number 3,410,949 ("Registered Mark" or simply the "Mark") which is registered in international class 32. Petitioner hereby submits this "Petition for Cancellation" (the "Petition") to cancel the Registered Mark by Cintron Beverage Group, LLC ("CBG" or the "Registrant"):

BASES OF OPPOSITION

1. Registrant's Mark is primarily merely a surname pursuant to Section 2(e)(4) of the Lanham Act (15 U.S.C. § 1052(e)(4)).
2. Registrant's Mark is abandoned pursuant to Section 14 of the Lanham Act (15 U.S.C. § 1064).
3. Registrant's Mark is invalid due to the absence of written consent on the record pursuant to Section 2(c) of the Lanham Act (15. U.S.C. § 1052(c)).

4. Registrant's Mark is invalid because it is deceptive and/or deceptively misdescriptive pursuant to Sections 2(a) and 2(e)(1) of the Lanham Act (15 U.S.C. § 1052(a) and § 1052(e)(1)).

GENERAL ALLEGATIONS

5. Petitioner is a Nigerian business that utilizes the CINTRON mark both as a word mark and a stylized design (collectively "Petitioner's Mark") with a variety of beverage products in Nigeria.
6. Registrant is a Delaware limited liability company with offices at 7400 Brewster Avenue in Philadelphia, Pennsylvania 19153.
7. Petitioner has used Petitioner's Mark in Nigeria for several years.
8. Petitioner has expanded its business operations outside of Nigeria.
9. Petitioner has used Petitioner's Mark outside of Nigeria.
10. Petitioner wishes to expand its business operations into the United States.
11. Petitioner wishes to use Petitioner's Mark in conjunction with beverage products in the United States.
12. Pursuant to 37 C.F.R. § 2.111(b), Petitioner believes that it will be damaged by the continued registration of the Registrant's Mark and Petitioner hereby request the cancellation of the Registrant's Mark.

COUNT I - PRIMARILY A SURNAME

13. The word "CINTRON" is primarily a surname.
14. With respect to several office actions pertaining to related trademark applications, the USPTO has rejected marks that include the text "CINTRON" on the basis that such marks were primarily merely a surname.
15. The word "Cintron" is a common Latin surname.
16. The Registrant has itself publicly acknowledged that the "Cintron" term is taken from a "common Latin surname and in tribute to Edgardo Cintron".

17. No secondary meaning is associated with Registrant's use of Registrant's Mark.

COUNT II – ABANDONMENT

18. Registrant has ceased use of the root text "CINTRON" in its various marks and has instead replaced it with the word "CINTRÓN".
19. "CINTRÓN" is spelled differently than the Registered Mark.
20. "CINTRÓN" is pronounced differently than the Registered Mark.
21. Registrant has ceased use of the number "21" in conjunction with the root text "CINTRON".
22. Upon information and belief, Registrant has discontinued use of the Registered Mark with the intent to not resume such use in the future.

COUNT III – WRITTEN CONSENT NOT OF RECORD

23. The Registered Mark comprises a name of a particular living individual named Edgardo Cintron.
24. Edgardo Cintron's written consent to the Registered Mark is not of record in association with the trademark application that resulting in the registration of the Registered Mark.

COUNT IV – DECEPTIVE AND/OR DECEPTIVELY MISDESCRIPTIVE

25. Under the laws of the United States, a person must be 21 years of age to legally consume alcoholic beverages.
26. The number "21" is strongly associated with alcoholic beverages.
27. The beverage products sold by the Registrant do not include alcohol.
28. The Registered Mark is thus either deceptive or deceptively misdescriptive.

NOW, THEREFORE, Petitioner requests that the registration of the "CINTRON 21" mark be cancelled.

By: /Christopher J. Falkowski/
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